

Jacob Burgard
1615 6th St
Oregon City OR 97045

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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF OREGON

3 Portland Division

4 JACOB BURGARD

5 Plaintiff,

6 v.

7 CITY OF OREGON CITY,

a municipal corporation;

8 CLACKAMAS COUNTY, a political
subdivision of the State of Oregon;

9 JOHN BEHAN, in his individual capacity;

10 DANIEL HANES, in his individual capacity;

11 SYDNEY ODEN, in her individual capacity,

12 DENYSE McGriff, in her individual capacity

Defendants,

Case No. 3:23-cv-1198-HZ

COMPLAINT FOR VIOLATIONS OF CIVIL
RIGHTS, THE AMERICANS CIVIL RIGHTS, THE
AMERICANS WITH DISABILITIES ACT, AND
THE REHABILITATION ACT

JURY TRIAL DEMANDED

13 _____

14 Plaintiff Jacob James Carl Burgard, a disabled resident of Oregon City, Oregon, brings this action pro
15 se under the Constitution, the Americans with Disabilities Act, and the Rehabilitation Act. As a
16 qualified individual with Autism Spectrum Disorder and CPTSD, Plaintiff has long advocated for safe,
17 ADA-compliant use of his neighborhood. Instead of receiving lawful protections, he was met with
18 retaliation, selective enforcement, and ultimately an unlawful arrest without warrant or cause in 2023.

19 Defendants' actions—including discriminatory treatment, denial of accommodations, and abuse of
20 legal process—violated Plaintiff's civil rights. This suit seeks relief under 42 U.S.C. § 1983, the ADA,
21 and related federal law.

22 **JURISDICTION AND VENUE**

23 1. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331, which
24 confers original jurisdiction over all civil actions arising under the Constitution, laws, or treaties of
25 the United States, and 28 U.S.C. § 1333(a)(3), which provides jurisdiction for civil rights actions
26 authorized by 42 U.S.C. § 1983.

27 2. This Court also has jurisdiction under 42 U.S.C. § 12133 (ADA) and 29 U.S.C. § 794a(a)(2)
28 (Rehabilitation Act), which provide for federal court jurisdiction over actions brought to enforce
29 rights under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

30 3. This Court has supplemental jurisdiction over Plaintiff's related state law claims, if any,
31 pursuant to 28 U.S.C. § 1337(a) because they form part of the same case or controversy under
32 Article III of the United States Constitution.

33 4. Venue is proper in this judicial district under 28 U.S.C. § 1331(b) because a substantial part of
34 the events or omissions giving rise to Plaintiff's claims occurred in Clackamas County, Oregon,
35 which is located within the Portland Division of the United States District Court for the District of
36 Oregon.

37 5. All Defendants reside in, are headquartered in, or conduct substantial official business within
38 this judicial district, and all of the acts and omissions alleged herein took place within its
39 jurisdictional boundaries.

40 **PARTIES**

41 A. Plaintiff

42 **6. Jacob James Carl Burgard (“Plaintiff”)** is an individual and resident of Oregon City, Oregon.
43 He is a qualified individual with disabilities as defined under the Americans with Disabilities Act
44 and Section 504 of the Rehabilitation Act. Plaintiff resides at 1015 6th Street, within the Mixed Use
45 Corridor 1 (MUC-1) zoning district, and has been actively engaged in lawful civic advocacy
46 concerning zoning, nuisance abatement, and ADA enforcement.

47 B. Municipal Defendants

48 **7. Defendant Clackamas County** is a governmental subdivision of the State of Oregon and, at all
49 relevant times, operated the Clackamas County Jail through its Sheriff’s Office and correctional
50 staff. The County was responsible for detaining and processing Plaintiff following his arrest by
51 Oregon City Police. Plaintiff alleges that, while acting under color of state law, Clackamas County
52 officials and employees violated his constitutional and statutory rights during custodial intake and
53 pretrial detention.

54 **8. Defendant City of Oregon City** is a municipal corporation organized under the laws of the
55 State of Oregon. The City is responsible for adopting and enforcing zoning ordinances, maintaining
56 ADA compliance in public infrastructure, and ensuring nondiscriminatory access to government
57 programs and services. Plaintiff alleges that the City is liable under 42 U.S.C. § 1983, Title II of the
58 ADA, and Section 504 of the Rehabilitation Act for the acts and omissions of its officials, agents,
59 and employees

60 C. Individual Defendants

61 **9. Defendant John Behan** is a private citizen and was, at all relevant times, a sworn law
62 enforcement officer employed by the Oregon City Police Department and acting under color of state
63 law within the scope of his official duties. Plaintiff alleges that Officer Behan violated Plaintiff’s

64 Fourth and Fourteenth Amendment rights by initiating and effectuating an unlawful arrest on July
65 21, 2023, without a warrant or probable cause and in the absence of any exigent circumstances.

66 **10. Defendant Daniel Hanes** is a private citizen and was, at all relevant times, a sworn law
67 enforcement officer employed by the Oregon City Police Department and acting under color of state
68 law within the scope of his official duties. He is sued in his individual capacity for actions taken
69 under color of state law and within the scope of his official duties. Plaintiff alleges that Officer
70 Hanes was directly involved in arrest on July 21, 2023, and further participated in broader civil
71 conspiracy of retaliatory efforts in coordination with private individuals.

72 **11. Defendant Denyse McGriff** is a private citizen, and was at all relevant times, the duly elected
73 Mayor of Oregon City, Oregon. She is sued in her individual capacity for actions taken under color
74 of state law. Mayor McGriff filed a police report vilifying Plaintiff's advocacy as harassment and
75 contributing to a mental health classification in official records. December 20, 2023, Mayor McGriff
76 facilitated a group meeting with at least 27 disgruntled individuals for the purpose of securing a
77 malicious stalking order against Plaintiff and bolstering a community narrative portraying him as
78 unstable and dangerous.

79 **12. Defendant Sydney Oden** is a private citizen, and was at all relevant times, a sworn law
80 enforcement officer employed by the Oregon City Police Department. She is sued in her individual
81 capacity for actions taken under color of state law and within the scope of her official duties. Officer
82 Oden declined to view key evidence in Case #24-021388, undermining Plaintiff's efforts to secure
83 protective relief and deprived him of equal protection under the law and contributed to a hostile
84 environment in which emboldened further harassment.

85

FACTS

86 A. Plaintiff's Disability and Civic Advocacy and The Onset of retaliation

87 **13.** Plaintiff is a resident of Oregon City, Oregon. He is a qualified individual with disabilities,
88 including Autism Spectrum Disorder, CPTSD, and related sensory and cognitive impairments. These
89 conditions substantially limit his ability to drive and tolerate overstimulating or high-conflict
90 environments.

91 **14.** Plaintiff resides within the Mixed Use Corridor 1 (MUC-1) zoning district—an area intended
92 for ADA-accessible, pedestrian-oriented residential and low impact commercial use.

93 **15.** Relying on the federally protected rights governing safe unobstructed access of public facilities
94 to access of his neighborhood, Plaintiff engaged in lawful civic advocacy to report zoning violations,
95 ADA noncompliance, and public nuisances affecting his ability to peacefully enjoy his home and
96 safe mobility of his neighborhood.

97 **16.** Beginning in early 2023, Plaintiff documented repeated zoning and safety violations by nearby
98 businesses, especially Mt. Tech Inc., a used auto business operating at 1002 7th Street.

99 **17.** Since 2009, Mt. Tech has been operating as a legal nonconforming use under OCMC Chapter
100 17.58. However, publicly available historic satellite imagery shows that it unlawfully intensified
101 nonconforming business and expanded its operations onto public sidewalks.

102 **18.** This expansion violated OCMC § 17.58.050, which prohibits increasing the degree of
103 nonconformity. Under OCMC § 17.58.060, Mt. Tech—not Plaintiff—bore the burden of proving the
104 continuity of its legal use.

105 **19.** Plaintiff submitted formal, well-documented complaints with supporting photo and video
106 evidence showing Mt. Tech obstructing ADA paths and using public space for business.

107 **20.** Around this same time, Plaintiff's enforcement efforts began to affect other neighboring
108 residents and employees of neighboring businesses, including Oregon City Family Dentistry

109 ("OCFD"), a dental office located near Plaintiff and Mt. Tech, which ultimately lead to hostility
110 between Plaintiff and those affected by his lawful complaints.

111 **21.** The City of Oregon City, through its Planning, Zoning, Code Enforcement, and Police
112 Departments, failed to apply public safety, zoning and nnisance abatement policies, in an equitable
113 and nondiscriminatory manner, as required by the Equal Protection Clause of the Fourteenth
114 Amendment and Title II of the Americans with Disabilities Act.

115 **22.** Where discretionary enforcement authority was available, the City exercised such discretion in
116 a manner that was arbitrary, retaliatory, and unlawfully biased against Plaintiff.

117 **23.** The City's failure to curtail Mt. Tech's unlawful intensification of a nonconforming use—
118 despite Plaintiff's detailed and substantiated reports—constituted a selective and discriminatory
119 application of municipal policy.

120 **24.** The City's abdication of its enforcement obligations effectively nullified the procedural
121 safeguards embedded in Oregon City Municipal Code (OCMC) § 17.58.060 and emboldened Mt.
122 Tech to continue conduct that undermined zoning integrity, ADA access, and Plaintiff's safety and
123 property rights.

124 **25.** As enforcement lapsed, Plaintiff was forced to bear the burden of documenting constant,
125 continued violations himself, despite his disabilities that make it difficult for him to maneuver
126 stressful situations, and effectively communicate.

127 **26.** This exposed him to escalating retaliation, stigmatization, and emotional stress.

128 **27.** Plaintiff also made multiple good-faith requests for reasonable accommodations to the City,
129 including engaging with code enforcement in a neutral, non-police environment. These were ignored
130 or denied without discussion.

131 **28.** Lacking accommodation, Plaintiff was functionally excluded from city enforcement processes.
132 He was left to act in a role the City should have performed.

133 **29.** As a result, Plaintiff became the target of harassment, stalking and retaliation, including false
134 police reports, public defamation, escalating hostility within the neighborhood, and the filing of
135 three protection orders against Plaintiff. These actions were connected to employees and associates
136 of Mt. Tech, OCFD, and residents associated with OCFD.

137 **B. Plaintiff's Arrest and Detention**

138 **30.** On July 20, 2023, while documenting neighborhood conditions from public property, Plaintiff
139 was reported to police by employees of Mt. Tech and OCFD. Officer John Behan responded and
140 confirmed in a report (CASE NO: 23-015100) that Plaintiff was documenting Mt. Tech's unlawful
141 practice of moving vehicles onto public streets. He noted that Plaintiff had not committed any crime.
142 He noted that Plaintiff remained on public sidewalks and alleyways.

143 **31.** Nevertheless, Officer Behan flagged the incident as "mental health involved" without any
144 clinical evaluation, diagnosis, or lawful basis.

145 **32.** The next day, on July 21, 2023, (CASE NO: 23-015198) Officers Behan and Daniel Hanes
146 returned to Plaintiff's home following a report of a laser being seen on the wall of OCFD's building.

147 **33.** Without seeking corroboration, alternative suspects, or conducting any meaningful
148 investigation, the officers arrested Plaintiff at his home—without a warrant probable cause or
149 exigent circumstances.

150 **34.** After being told charges were Disorderly Conduct II, Plaintiff was charged with 5 counts of
151 Disorderly Conduct in the First Degree and Menacing, based entirely on speculative, unverified
152 witness statements.

153 **35.** During intake at Clackamas County Jail, Plaintiff was subjected to being forcefully exposed in
154 front of staff and then endured a strip search and full body Xray, resulting in humiliation and
155 degradation. Plaintiff was denied access to a functioning phone for nearly 24 hours and was held

156 without judicial review until July 24, 2023 — in violation of the constitutional standards established
157 in County of Riverside v. McLaughlin. Additionally, Plaintiff was coerced into signing a medical
158 waiver under duress, after being threatened with continued confinement in a holding cell without
159 access to a phone, bed, or warmth.

160 **36.** On or about August 16, 2023, the Oregon City Prosecutor, Christine Landers, declined to
161 prosecute. Plaintiff was never arraigned or brought before a judge. The charges were dropped
162 without arraignment.

163 **37.** This experience caused Plaintiff severe emotional trauma, reputational damage, and loss of trust
164 in local institutions.

165 **C. Denial of ADA Accommodations and Disability-Based Exclusion**

166 **38.** On September 18, 2023, Plaintiff submitted a formal written request to Oregon City Code
167 Enforcement Officer Ryan Kersey, seeking an in-person meeting to address chronic zoning and
168 nuisance violations affecting his residence and neighborhood.

169 **39.** Due to Plaintiff's fragile mental state caused by the traumatic arrest experience and his
170 stress/sensory-processing impairments, he specifically requested that the meeting not take place at or
171 near the police station or in proximity to law enforcement vehicles or uniforms.

172 **40.** On September 19, 2023, Plaintiff again formally requested a reasonable accommodation in
173 writing to Oregon City Code Enforcement Officer Ryan Kersey, citing his inability to comply with
174 the City's standard procedures due to his mental health disability.

175 **41.** In a detailed email, Plaintiff wrote: “I also want you to know that I have a protected disability,”
176 and “There has to be some kind of accommodation for persons with mental disabilities that hinders
177 their right to file grievances to the city!”

178 **42.** Plaintiff expressed that the volume and complexity of documenting violations was
179 overwhelming and impossible for him to manage without accommodation. Plaintiff also described
180 the emotional toll caused by the City's persistent inaction, stating: "I am too overwhelmed with all
181 this insanity. I cannot live in my home, and the city is well aware of all the insanity but shows zero
182 interest in obtaining the proof to act in a manner that meets my needs!"

183 **43.** Plaintiff further emphasized the direct harm he experienced as a result of this municipal neglect,
184 writing: "I was put in jail for 3 days because the city refused to act on a VERY well known city
185 problem."

186 **44.** These communications—citing Plaintiff's protected disability and requesting an accessible,
187 alternative method to participate in enforcement processes—were ignored or deflected by the City.

188 **45.** Despite these clear and repeated disclosures, Ryan Kersey continued to insist plaintiff email
189 detailed reports of each code violation concern.

190 **46.** At no time did Code Enforcement initiate a disability accommodation dialogue or propose
191 reasonable alternatives, despite knowing that Plaintiff was functionally unable to comply with
192 standard procedures.

193 **47.** And rather than engage in the required interactive process, the City offered no substantive
194 dialogue, no modifications, and no referral to an ADA coordinator. The City's ADA Coordinator
195 position was unstaffed at the time, in violation of 28 C.F.R. § 35.107, and no department official
196 assumed responsibility for evaluating Plaintiff's reasonable accommodation request.

197 **48.** After exhausting efforts with Code Enforcement, Plaintiff escalated his concerns to Mayor
198 Denyse McGriff, leaving a voicemail on September 19, 2023 and receiving a return call later that
199 morning. During the call—on speaker phone and witnessed by Plaintiff's neighbor Paxton Brewster
200 —Mayor McGriff spoke at length about her personal obligations and refused to allow Plaintiff to

201 properly explain his concerns. Frustrated by the lack of engagement, Plaintiff hung up and followed
202 up via email

203 **49.** On September 21, Mayor McGriff responded by denying that Plaintiff had clearly expressed
204 any concerns and offered no guidance regarding accommodations, ADA process, or alternative
205 procedures.

206 **50.** These failures deprived Plaintiff of equal access to public programs and services, specifically
207 his ability to participate in zoning enforcement, code compliance, public safety associated nuisance
208 abatement.

209 **51.** The City's failure to provide reasonable accommodations created a harmful and ongoing
210 enforcement void, compelling Plaintiff to remain persistently and visibly engaged in documenting
211 recurring municipal code violations that the City repeatedly refused to abate or remedy in a manner
212 that would eliminate the underlying problems.

213 **52.** This exposure subjected Plaintiff to escalating retaliation. The burden of this self-enforcement,
214 compounded by Plaintiff's diagnosed disorder, caused significant psychological harm, deepened his
215 housing instability, and further isolated him from public life and enjoyment of his property.

216 **D. Coordinated Efforts with Officials**

217 **53.** The City's refusal to address Plaintiff's concerns or accommodate his disability, emboldened a
218 coordinated campaign of harassment and public defamation carried out by private actors—including
219 Angela Gonzalez, Kirsten Sandoz, and Elizabeth Robarts-Dille—who maintained personal and
220 strategic alignments with Defendant Daniel Hanes and Mayor Denyse McGriff.

221 • Angela Gonzalez is an employee of Oregon City Family Dentistry and alleged associate of
222 Officer Daniel Hanes. On October 27, 2023, she filed an unsubstantiated stalking petition against
223 Plaintiff (Case No. 23SK04346), which was dismissed. On November 1, 2023, she staged a

224 video encounter to portray Plaintiff as a harasser and provided the video to Kirsten Sandoz,
225 contributing to coordinated retaliation.

226 • Elizabeth Robarts-Dille is a neighbor and former friend of Plaintiff. She filed an elder abuse
227 petition (Case No. 23PO12360), which was dismissed on January 18, 2024; Plaintiff was
228 awarded attorney's fees. She is alleged to be a participant in Officer Hanes' November 1, 2023
229 report (Case No. 23-022681) and took part in defamatory online activity against Plaintiff.
230 • Kirsten Sandoz is a former Oregon City school counselor who resigned after Plaintiff's March
231 2024 complaint into her actions was upheld by the school district. On December 8, 2023, she
232 filed a stalking petition against Plaintiff (Case No. 23SK04822) alongside Robarts-Dille. She
233 admitted under oath to sharing a video of Plaintiff with Mayor McGriff sparking a 27 person
234 meeting to defame plaintiff. She participated in the online defamation.

235 **54.** On November 1, 2023, Officer Hanes knowingly incorporated false or misleading statements
236 into Case No. 23-022681 involving three unidentified women who reportedly spoke with Officer
237 Hanes in the lobby of the Oregon City Police Department. Officer Hanes' narrative was strategically
238 designed to assist in a coordinated campaign against Plaintiff. His report directly benefitted Angela
239 Gonzalez, and Elizabeth Robarts-Dille's efforts in retaliating against Plaintiff's lawful civic
240 advocacy. This action is currently under internal investigation by Oregon City Police Department's
241 Captain Edwins following a June 2025 complaint to Department of Public Safety Standards and
242 Training.

243 **55.** A key detail in the report stated, an employee of Oregon City Family Dentistry attempted and
244 failed at obtaining a stalking order against Plaintiff. The only known employee of OCFD to have
245 failed at a stalking attempt against Plaintiff is Angela Gonzalez. Plaintiff obtained CCTV footage

246 that proves Angela Gonzalez was in the OCFD dental office during the entire duration and beyond
247 the reported times.

248 **56.** Evidence further indicates that the “two neighbors” referenced in Officer Hanes’s report were
249 Elizabeth Robarts-Dille and Tina Kunz, both of whom—along with Angela Gonzalez—had directly
250 expressed hostility toward Plaintiff’s zoning and ADA complaints. These individuals acted in
251 concert, sharing information and working to manufacture a basis for protective orders.

252 **57.** Later that same day of November 1, 2023, an anonymous post in the “Oregon City Chit Chat”
253 Facebook group falsely portrayed Plaintiff as a dangerous individual and included a non-consensual
254 photograph taken by a Snap-on Tools vendor, Shawn Griffith, affiliated with Mt. Tech.

255 **58.** The image was taken while Plaintiff lawfully documented Shawn Griffith’s obstruction of a
256 public roadway with his tool truck.

257 **59.** The post generated 174 comments from many who have been subject to Plaintiff’s complaints.
258 The comment thread featured inflammatory and defamatory remarks by Angela Gonzalez, Elizabeth
259 Robarts-Dille, and other individuals either directly affected by Plaintiff’s civic complaints or
260 associated with Mt. Tech, OCFD or other affected parties.

261 **60.** Robarts-Dille on November 3, 2023, filed a malicious elder abuse petition in Clackamas County
262 Circuit Court, Case No. 23PO12360. The petition was voluntarily dismissed by Robarts-Dille on
263 January 18, 2024. Plaintiff was subsequently awarded attorney’s fees by court order on May 9, 2024.
264 Evidence further establishes that Robarts-Dille and Gonzalez maintained documented ties to Kerstin
265 Sandoz, and that all three coordinated in a concerted effort to obtain retaliatory protective orders
266 against Plaintiff.

267 **61.** In December 2023, Oregon City Mayor Denyse McGriff actively convened and facilitated a
268 community meeting attended by at least 27 individuals, many of whom had been the subject of
269 Plaintiff’s lawful complaints—including Kirsten Sandoz, Angela Gonzalez, and Elizabeth Robarts-

270 Dille. By facilitating this gathering, Mayor McGriff provided a platform for retaliation, further
271 emboldening participants to escalate harassment campaigns under the perceived protection or
272 approval of City authority.

273 **62.** Mayor McGriff specifically helped organize the meeting to support Kerstin Sandoz—who was
274 seeking a stalking order against Plaintiff.

275 **63.** During the December meeting, police officers allegedly encouraged attendees to record and
276 monitor Plaintiff.

277 **64.** Following this event, harassment and coordinator efforts against plaintiff intensified. Plaintiff
278 has been stalked, targeted for public humiliation and mockery, and repeatedly labeled mentally.

279 **E. Stalking by Wert; Failure to Protect by Officer Oden**

280 **65.** On October 11, 2024 (Case No. 24-021388), Plaintiff and his wife reported ongoing nighttime
281 harassment at their home by an individual later identified as Daniel Raymond Wert. Wert's actions
282 repeatedly disturbed Plaintiff's household.

283 **66.** Plaintiff offered Officer Sydney Oden conclusive evidence, including the license plate number
284 and time-stamped video footage clearly identifying Wert and his passenger, Bailey Hanan, engaging
285 in provocative and harassing conduct. He also tried to explain the broader conspiracy efforts of
286 surrounding businesses.

287 **67.** Officer Oden refused to review the footage, declined to initiate an investigation, and dismissed
288 the complaint without taking any action.

289 **68.** In her official report, Officer Oden further falsely stated that Plaintiff and his wife misidentified
290 the couple in the car, because the car did not match Plaintiff's description. She also stated in her
291 report Plaintiff and wife were 'yelling,' a characterization directly contradicted by video evidence
292 plaintiff took while making the report.

293 **69.** Officer Oden also omitted critical exculpatory and corroborative materials from the case record.

294 70. Captured on video, during the time of report, Hanan is heard mocking Plaintiff's disability,
295 stating, "take your psychological medicine," and referencing "concern for elderly neighbors."
296 Plaintiff's obtained Facebook evidence connecting both Bailey Hanan and Daniel Wert to Elizabeth
297 Robarts-Dille and Tina Kunz, the elderly neighbors Hanan showed concern for in the police report.
298 71. On October 15, 2024 (Case No. 24-021664), Wert escalated the harassment by taunting Plaintiff
299 at his daughter's school bus stop. Wert called Plaintiff names like, "Fag Bag," and "Shit Stain," and
300 he affirmed to Plaintiff that his girlfriend didn't get in trouble for having expired tags on her vehicle.
301 Code Enforcement dropped the citation when she showed them she did have good tags.
302 72. On October 18, 2024 (Case No. 24SK04214), Plaintiff was awarded a temporary stalking
303 protective order against an individual using the alias "John Kline." That order could not be served
304 because the name was false.
305 73. On October 19, 2024, Plaintiff emailed Officer Jared Turpin for assistance in identifying "John
306 Kline." Officer Spencer Main later verified, using DMV records and video footage, that the true
307 identity was Daniel Raymond Wert—formally connecting him to the October 11 incident.
308 74. On January 16, 2025, Plaintiff requested a trial continuance due to Bailey Hanan had not yet
309 been served, having evaded service by lying about her address to Officer Oden.
310 75. On April 3, 2025, following evidentiary hearings, Judge Kathie Steele of the Clackamas County
311 Circuit Court issued a permanent stalking protective order against Daniel Raymond Wert, validating
312 Plaintiff's account and confirming a pattern of targeted, malicious harassment.
313 76. Officer Oden's refusal to investigate, view footage, or question witnesses allowed the
314 harassment to escalate unchecked and undermined Plaintiff's attempt to obtain timely legal
315 protection, causing additional trauma and legal disadvantage.
316 77. Officer Oden is currently under official investigation in relation to her handling of this incident.

CLAIM FOR RELIEF

A. For Defendant CLACKAMAS COUNTY

FIRST CLAIM FOR RELIEF
Violation of the Fourth and Fourteenth Amendments
Unlawful Pretrial Detention

324 **78.** Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully set
325 forth herein.

326 79. Clackamas County, acting under color of law through its agents and employees at the
327 Clackamas County Jail, unlawfully detained Plaintiff for a period exceeding 48 hours without
328 providing a judicial determination of probable cause, in violation of clearly established
329 constitutional rights under the Fourth and Fourteenth Amendments to the United States Constitution.

330 **80.** Plaintiff was arrested without a warrant on July 21, 2023, and was held in the Clackamas
331 County Jail until July 24, 2023. At no point during this 72-hour period or period was Plaintiff
332 brought before a judge for a probable cause hearing.

333 **81.** This delay violated the constitutional standard articulated in *County of Riverside v.*
334 *McLaughlin*, 500 U.S. 44 (1991), which requires that arrestees be provided a judicial review of
335 probable cause within 48 hours of warrantless arrest.

336 **82.** As a direct and proximate result of this unlawful detention, Plaintiff suffered deprivation of
337 liberty, emotional distress, humiliation, and psychological trauma.

SECOND CLAIM FOR RELIEF
Violation of the Fourth Amendment
Unlawful Search (42 U.S.C. § 1983)

342 **83.** Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully set
343 forth herein.

344 **84.** During intake at Clackamas County Jail, Plaintiff was subjected to a degrading and invasive
345 search exposing him in the presence of staff.

346 85. The strip search was conducted in a manner that was objectively unreasonable, excessive, and
347 humiliating, particularly given the absence of any legitimate penological justification.

348 **86.** The County's policies and practices in this regard violated Plaintiff's clearly established Fourth
349 Amendment rights.

350 **87.** The strip search caused Plaintiff unnecessary humiliation, emotional trauma, and exacerbated
351 his mental health symptoms.

THIRD CLAIM FOR RELIEF
Violation of the Fourteenth Amendment

356 **88.** Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully set
357 forth herein.

358 **89.** While detained at Clackamas County Jail, Plaintiff was subjected to coercion in violation of his
359 Fourteenth Amendment due process rights.

360 90. Specifically, jail officials compelled Plaintiff to sign a medical waiver under duress, threatening
361 continued confinement in a holding cell without access to a phone, bed, blanket or warmth, in lieu of
362 being placed in general population housing, unless he complied.

363 91. The waiver was not executed voluntarily but was the result of pressure exerted under harsh and
364 punitive conditions, rendering the consent invalid under constitutional standards.

365 92. This coerced act constituted a deprivation of Plaintiff's liberty interest and bodily autonomy
366 without due process of law.

367 **93.** As a direct and proximate result of Clackamas County's unconstitutional actions, Plaintiff
368 suffered emotional harm, increased psychological distress, and violation of his fundamental rights.

370 **B. For Defendant CITY OF OREGON CITY**

372 **FIRST CLAIM FOR RELIEF**
373 **Violation of Title II of the Americans with Disabilities Act – Failure to Provide Reasonable**
374 **Accommodations (42 U.S.C. § 12132)**

376 **94.** Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully set
377 forth herein.

378 **95.** Plaintiff is a qualified individual with disabilities, including Autism Spectrum Disorder and
379 CPTSD, which substantially limit major life activities such as communication, stress regulation, and
380 navigating high-conflict or overstimulating environments.

381 **96.** Plaintiff made multiple formal, written requests for reasonable accommodations from Oregon
382 City, including the ability to meaningfully engage in the zoning enforcement process without
383 exposure to law enforcement presence or police-affiliated locations, and alternative reporting
384 methods suited to his cognitive impairments.

385 **97.** Despite receiving these detailed and repeated requests, Oregon City failed to respond
386 meaningfully, offer alternatives, or engage in the required interactive process.

387 **98.** As a direct result, Plaintiff suffered significant emotional distress, exclusion from civic
388 processes, housing instability, and increased exposure to community hostility.

389 **SECOND CLAIM FOR RELIEF**
390 **Violation of Section 504 of the Rehabilitation Act**
391 **(29 U.S.C. § 794)**

392 **99.** Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully set
393 forth herein.

100. Oregon City receives federal financial assistance and is therefore subject to the requirements of Section 504 of the Rehabilitation Act.

101. Plaintiff, as a qualified individual with a disability, was excluded from participation in and denied the benefits of zoning enforcement and public safety-related services due to Oregon City's failure to accommodate his known limitations.

102. The City's actions and inactions—including ignoring Plaintiff's disclosures of disability, failing to modify procedures, and refusing to provide alternative methods for communication—constituted intentional discrimination under Section 504.

103. Oregon City's conduct foreseeably and proximately caused Plaintiff substantial harm, including psychological trauma, public stigmatization, and civic disenfranchisement.

THIRD CLAIM FOR RELIEF
Violation of the First Amendment
Retaliation (42 U.S.C. § 1983)

104. Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

105. Plaintiff engaged in protected First Amendment activity by documenting and reporting zoning violations, ADA noncompliance, and public nuisances affecting his neighborhood.

106. Rather than support Plaintiff's lawful advocacy, Oregon City selectively ignored his reports, failed to act on substantiated evidence, and allowed retaliation by third parties to flourish.

107. City officials, including Mayor Denyse McGriff and law enforcement officers, enabled and, at times, coordinated with private actors—such as Angela Gonzalez, Elizabeth Robarts-Dille, and others—who targeted Plaintiff for his advocacy.

108. This pattern of deflection, inaction, and facilitation of public retaliation constitutes adverse action against protected speech and was motivated, at least in part, by Plaintiff's exercise of his First Amendment rights.

420 **109.** As a result, Plaintiff suffered severe emotional and reputational harm and was deterred from
421 further engaging in advocacy and civic participation.

FOURTH CLAIM FOR RELIEF
Violation of the Equal Protection Clause
enforcement (42 U.S.C. § 1983; U.S. Const. a

426 **110.** Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully set
427 forth herein.

428 **111.** Oregon City, acting under color of law, selectively and arbitrarily enforced zoning and nuisance
429 abatement laws in a manner that disfavored Plaintiff while shielding others similarly situated.

430 **112.** Despite receiving extensive documentation of Mt. Tech's illegal expansion and ADA violations,
431 Oregon City failed to apply the same enforcement standards it applied to others, thereby denying
432 Plaintiff equal protection under the law.

433 **113.** The City's refusal to act served no rational government interest and was motivated, in part, by
434 bias against Plaintiff's disability status and civic engagement.

435 **114.** This discriminatory treatment contributed directly to Plaintiff's victimization, housing
436 instability, and loss of trust in local government.

FIFTH CLAIM FOR RELIEF
Violation of Title II of the ADA

440 **115.** Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully set
441 forth herein.

442 **116.** At all times relevant, Oregon City failed to designate and maintain an ADA Coordinator as
443 required under 28 C.F.R. § 35.107, depriving disabled residents—including Plaintiff—of a central
444 contact for reasonable accommodations, grievance processing, and ADA compliance oversight.

445 117. This systemic failure denied Plaintiff the opportunity to have his requests properly evaluated
446 and routed, contributed to the breakdown of the accommodation process, and compounded the City's
447 broader exclusionary practices.

448 **118.** As a direct and foreseeable result, Plaintiff was left functionally excluded from essential public
449 processes, subject to worsening retaliation, and deprived of equal protection and due process rights
450 guaranteed under federal law.

C. For Defendant JOHN BEHAN

FIRST CLAIM FOR RELIEF
Violation of the Fourth Amendment

Unlawful Arrest Without Probable Cause (42 U.S.C. § 1983)

455 **119.** Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully set
456 forth herein.

457 **120.** On July 21, 2023, Defendant Officer John Behan, acting under color of state law and in concert
458 with Officer Daniel Hanes, arrested Plaintiff at his home without a warrant, without probable cause,
459 and without exigent circumstances.

460 **121.** The arrest followed a vague and unsubstantiated report of a laser light allegedly seen on the
461 wall of a neighboring business. Officer Behan failed to conduct any meaningful investigation, seek
462 corroboration, or consider alternative suspects before effectuating the arrest.

463 **122.** The arrest was based entirely on speculative and unverified witness statements, lacking the
464 objective facts required to establish probable cause.

465 **123.** Plaintiff had not committed a crime, was not posing an immediate threat, and was within his
466 home at the time of arrest. The arrest thus constituted an unreasonable seizure under the Fourth
467 Amendment of the United States Constitution.

468 124. As a direct and proximate result of Officer Behan's actions, Plaintiff was unlawfully detained,
469 criminally charged, and subjected to traumatic incarceration, resulting in emotional distress,
470 reputational harm, and long-term psychological injury.

SECOND CLAIM FOR RELIEF
Violation of the Fourteenth Amendment
Disability-Based Classification (42 U.S.C. § 1983)

474 125. Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully set
475 forth herein.

476 **126.** On July 20, 2023, while Plaintiff was lawfully documenting public conditions from sidewalks
477 and alleys, Officer Behan responded to a calls placed by employees of Mt. Tech and Oregon City
478 Family Dentistry.

479 127. After confirming that Plaintiff had committed no crime and had remained on public property,
480 Officer Behan nevertheless flagged the incident as “mental health involved” in official records,
481 without any clinical evaluation, behavioral basis, or justification.

482 **128.** This classification was arbitrary, stigmatizing, and based on disability-related assumptions or
483 biases, violating Plaintiff's rights under the Fourteenth Amendment to be free from arbitrary
484 government classification and discrimination.

485 **129.** The “mental health involved” designation contributed to later harmful actions by law
486 enforcement and city officials, including Plaintiff’s unlawful arrest, further stigmatization, and
487 exclusion from city processes.

488 **130.** As a direct and proximate result of Officer Behan's conduct, Plaintiff suffered constitutional
489 harm, emotional distress, and a chilling of his civic participation.

490 D. For Defendant DANIEL HANES

FIRST CLAIM FOR RELIEF
Violation of the Fourth Amendment
Unlawful Arrest (42 U.S.C. § 1983)

494 131. Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully set
495 forth herein.

496 132. On July 21, 2023, Officer Daniel Hanes, acting under color of law and in concert with Officer
497 John Behan, arrested Plaintiff at his home without a warrant, probable cause, or exigent
498 circumstances.

499 **133.** The arrest was initiated based on an unverified and vague report concerning a laser light seen on
500 a building wall. Officer Hanes failed to perform a proper investigation, seek alternative explanations,
501 or confirm any evidence implicating Plaintiff.

502 **134.** At the time of arrest, Plaintiff had not committed any crime, posed no immediate threat, and
503 was inside his residence.

504 135. The arrest was unreasonable and violated Plaintiff's rights under the Fourth Amendment to be
505 free from unlawful seizures.

506 **136.** As a direct result of this unconstitutional conduct, Plaintiff was detained, criminally charged,
507 and subjected to physical and psychological trauma, including confinement in Clackamas County
508 Jail and prolonged emotional harm.

SECOND CLAIM FOR RELIEF
Violation of the First Amendment
Retaliatory Conspiracy (42 U.S.C. § 1983)

512 **137.** Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully set
513 forth herein.

514 **138.** Plaintiff engaged in protected First Amendment activity through his civic advocacy—
515 documenting zoning violations, ADA noncompliance, and public nuisances.

516 **139.** In retaliation for this protected speech, Officer Hanes collaborated with individuals hostile to
517 Plaintiff's advocacy efforts to create a record of false complaints and misleading reports designed to
518 discredit and criminalize Plaintiff.

519 **140.** On November 1, 2023, Officer Hanes filed a police report (Case No. 23-022681) that
520 knowingly included false or misleading statements from individuals with a demonstrated retaliatory
521 motive—including Angela Gonzalez and Elizabeth Robarts-Dille—and omitted exculpatory
522 evidence, such as time-stamped CCTV footage contradicting their claims.

523 **141.** This report facilitated further retaliatory legal actions, including meritless protective order
524 petitions intended to chill Plaintiff’s advocacy and publicly stigmatize him.

525 **142.** The adverse actions taken against Plaintiff were motivated by his constitutionally protected
526 expression and advocacy, and lacked any legitimate law enforcement basis.

527 **143.** As a result of Officer Hanes’ retaliatory conduct, Plaintiff suffered emotional harm, reputational
528 damage, and a chilling effect on his civic engagement.

529 **THIRD CLAIM FOR RELIEF**
530 **Civil Conspiracy to Violate Constitutional Rights**
531 **(42 U.S.C. § 1983)**

532 **144.** Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully set
533 forth herein.

534 **145.** Defendant Hanes entered into an agreement or tacit understanding with non-state actors—
535 including Angela Gonzalez, Elizabeth Robarts-Dille—to retaliate against Plaintiff for his lawful
536 zoning and ADA advocacy.

537 **146.** The conspirators acted with a shared objective of depriving Plaintiff of his constitutional rights,
538 including his First and Fourth Amendment protections.

539 **147.** Officer Hanes’ November 1, 2023 report intentionally aided in advancing the conspiracy by
540 giving a law enforcement imprimatur to fabricated or misleading allegations from private
541 individuals closely aligned with his co-defendants and city leadership.

542 **148.** These actions were taken under color of state law and in coordination with private individuals,
543 amounting to a joint engagement in unlawful conduct that directly harmed Plaintiff.

544 **149.** As a result, Plaintiff was subjected to retaliatory legal action, harassment, and ongoing public
545 defamation, causing substantial psychological and emotional harm.

546 E For Defendant DENYSE MCGRIFF

547 **FIRST CLAIM FOR RELIEF**
548 **Violation of the First Amendment**
549 **Retaliation for Protected Advocacy (42 U.S.C. § 1983)**

550 **150.** Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully set
551 forth herein.

552 **151.** Plaintiff engaged in protected First Amendment activity by submitting lawful complaints
553 regarding zoning violations, ADA noncompliance, and public nuisances in his neighborhood.

554 **152.** Rather than support or neutrally process these concerns, Defendant Mayor Denyse McGriff
555 retaliated against Plaintiff for his civic advocacy.

556 **153.** On or around September 19, 2023, Plaintiff contacted Mayor McGriff requesting assistance
557 with ADA-related accommodations and enforcement neglect. During the phone call, witnessed by a
558 third party, Mayor McGriff dismissed Plaintiff's concerns and refused to engage in meaningful
559 dialogue.

560 **154.** On September 21, 2023, Mayor McGriff falsely claimed Plaintiff had not clearly communicated
561 any disability concerns and failed to provide any information about ADA processes or available
562 accommodations.

563 **155.** Mayor McGriff's dismissive posture reinforced the City's broader refusal to engage with
564 Plaintiff's complaints, contributing to Plaintiff's exclusion from zoning and enforcement processes.

565 **156.** Additionally, Mayor McGriff publicly undermined Plaintiff's credibility by portraying him as
566 mentally unstable and by later convening community meetings that served as a platform for
567 organized retaliation against him.

568 157. These actions were intended to chill Plaintiff's protected expression, discourage further
569 advocacy, and isolate him from public support.

570 **158.** As a direct and proximate result of Defendant McGriff's retaliatory conduct, Plaintiff suffered
571 reputational harm, emotional distress, and suppression of his constitutional right to petition the
572 government.

THIRD CLAIM FOR RELIEF
Civil Conspiracy
Coordinated Retaliation Against Civic Engagement
(42 U.S.C. § 1983)

578 **159.** Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully set
579 forth herein.

580 **160.** In December 2023, Mayor McGriff actively convened and facilitated a community meeting
581 attended by at least 27 individuals, many of whom had been directly affected by Plaintiff's civic
582 complaints.

583 **161.** This meeting included individuals known to have filed or pursued retaliatory legal actions
584 against Plaintiff—such as Angela Gonzalez, Kirsten Sandoz, and Elizabeth Robarts-Dille.

585 162. The meeting was convened specifically to support Kerstin Sandoz's stalking petition against
586 Plaintiff and, more broadly, to rally community members around a coordinated campaign of
587 surveillance, public shaming, and harassment.

588 **163.** During the meeting, police officers allegedly encouraged participants to monitor and record
589 Plaintiff, further escalating the environment of intimidation and reprisal.

590 **164.** By organizing this meeting and providing an official platform for retaliation, Mayor McGriff
591 acted in concert with private individuals to deprive Plaintiff of his constitutional rights under color
592 of state law.

593 **165.** These coordinated acts constituted a civil conspiracy to retaliate against and silence Plaintiff's
594 protected advocacy, violating his First and Fourteenth Amendment rights.

595 **166.** As a result of this conspiracy, Plaintiff was subjected to community surveillance, stigmatization,
596 and emotional trauma, causing long-lasting harm to his mental health and civic engagement.

597 F For Defendant SYDNEY ODEN

FIRST CLAIM FOR RELIEF
Violation of the Fourteenth Amendment
Denial of Equal Protection
(42 U.S.C. § 1983)

602 167.163. Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully
603 set forth herein.

604 **168.** Defendant Officer Sydney Oden, acting under color of state law, violated Plaintiff's right to
605 equal protection under the Fourteenth Amendment by refusing to meaningfully investigate or
606 respond to Plaintiff's reports of targeted harassment and stalking by known individuals with a
607 history of coordinated retaliation against him.

608 **169.** On October 11, 2024, Plaintiff provided Officer Oden with clear, time-stamped video evidence
609 and the license plate number of a black truck operated by Daniel Raymond Wert—evidence
610 documenting repeated harassment outside Plaintiff’s home. Officer Oden declined to view the
611 footage, dismissed the report, and failed to initiate any investigation or follow-up action (Case No.
612 24-021388).

613 **170.** At the time, Wert and his associate Bailey Hanan were already linked to individuals who had
614 filed false or retaliatory complaints against Plaintiff. The provided evidence showed intentional
615 provocation and verbal abuse, including statements mocking Plaintiff's mental health disability.

616 171. Officer Oden's refusal to review exculpatory video evidence or pursue basic investigatory steps
617 —despite Plaintiff's well-documented history of disability and prior victimization—deviated from

618 standard investigative practice and failed to provide Plaintiff with the same protections afforded to
619 other similarly situated individuals.

620 **172.** As a result of this selective inaction, Plaintiff was denied timely legal relief and subjected to
621 escalating harassment, including a second incident on October 15, 2024, at his daughter's school bus
622 stop, which further endangered his sense of safety and familial stability.

623 **173.** Officer Oden's conduct was not justified by any legitimate law enforcement interest and instead
624 reflected discriminatory bias and arbitrary decision-making, particularly in the context of Plaintiff's
625 known disabilities and civic advocacy background.

626 **174.** This unequal treatment undermined Plaintiff's access to public safety services and contributed
627 to his prolonged victimization, emotional trauma, and deteriorating trust in law enforcement
628 institutions.

629 **RESERVATION OF RIGHTS TO AMEND**

630 **175.** Plaintiff expressly reserves the right to amend this Complaint as discovery proceeds and as
631 further facts, evidence, or legal theories become available, including but not limited to the outcomes
632 of pending or ongoing investigations related to Defendants' conduct and 3rd party aggressors. This
633 reservation includes the right to add claims, parties, and factual allegations as justice requires under
634 Rule 15 of the Federal Rules of Civil Procedure.

635 **PRAYER FOR RELIEF**

636 **176.** WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in his favor and
637 against Defendants, and award the following relief:

638 **177. Declaratory Relief**

639 a) declaration that the acts, omissions, policies, and practices of Defendants violated Plaintiff's
640 rights under the United States Constitution, the Americans with Disabilities Act, and the
641 Rehabilitation Act.

642 **178. Injunctive Relief**

643 a) A permanent injunction requiring the City of Oregon City to:

644 • Comply with Title II of the Americans with Disabilities Act and Section 504 of the
645 Rehabilitation Act;

646 • Designate and publicly identify a qualified ADA Coordinator pursuant to 28 C.F.R. § 35.107;

647 • Engage in interactive processes when disability accommodation requests are made;

648 • Refrain from retaliating against individuals who engage in protected civic advocacy;

649 • Enforce zoning and nuisance abatement ordinances in a nondiscriminatory and lawful manner.

650 **179. Compensatory Damages**

651 a) For physical pain, emotional distress, psychological trauma, reputational harm, loss of liberty,
652 and loss of enjoyment of life caused by Defendants' actions, in an amount to be determined at
653 trial.

654 **180. Punitive Damages**

655 a) Against individual Defendants John Behan, Daniel Hanes, Sydney Oden, and Denyse McGriff,
656 in their individual capacities, for conduct that was malicious, oppressive, or in reckless
657 disregard of Plaintiff's federally protected rights.

658 **181. Attorney's Fees and Costs**

659 a) An award of reasonable attorney's fees and litigation expenses under 42 U.S.C. § 1988, and
660 other applicable statutes including the ADA and Section 504.

661 **182. Prejudgment and Post-Judgment Interest**

662 a) On all monetary awards as allowed by law.

663 **183. Such other and further relief**

664 a) As the Court deems just, equitable, and proper under the circumstances.

665 **DEMAND FOR JURY TRIAL**

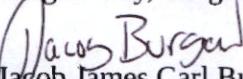
666

667 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff respectfully demands a trial by
668 jury on all issues so triable.

669 Respectfully submitted,

670
671 Dated: July 10 2025

672 Oregon City, Oregon

673 
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